

IN RE: Petition for Zoning Variance  
C/S Orth Road, 470' E of  
Sparrows Point Road  
(7219 Orth Road)  
15th Election District  
5th Councilmanic District  
Nelda M. Dowdy  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-47-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1802.3.C to permit a building lot of 5,223 sq.ft. in lieu of the required 6,000 sq.ft. and a lot width of 50.1 feet in lieu of the required 55 feet for a proposed single family dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by Anthony J. DiPaula, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 7219 Orth Road consists of 5,223 sq.ft. zoned D.R. 5.5 and is presently unimproved. Petitioner is desirous of constructing a single family dwelling on the property in accordance with that depicted on Petitioner's Exhibit 1. Petitioner testified she was raised on the adjoining property known as 7217 Orth Road and that she inherited the subject property when her father passed away in 1976. The subject property is part of the Crooms Subdivision which was recorded in 1947 with 50-foot wide lots, as evidenced by Petitioner's Exhibit 2, and as such, does not meet current zoning lot width and size requirements. Testimony indicated the relief requested will not result in any detriment to the health safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of October, 1991 that the Petition for Zoning Variance from Section 1802.3.C to permit a building lot of 5,223 sq.ft. in lieu of the required 6,000 sq.ft. and a lot width of 50.1 feet in lieu of the required 55 feet for a proposed single family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at

this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

October 15, 1991

887-3353

Anthony J. DiPaula, Esquire  
614 Bosley Avenue  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
S/S Orth Road, 470' E of Sparrows Point Road  
(7219 Orth Road)  
15th Election District - 5th Councilmanic District  
Nelda M. Dowdy - Petitioner  
Case No. 92-47-A

Dear Mr. DiPaula:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING

Date 10/24/91  
By [Signature]

ORDER RECEIVED FOR FILING

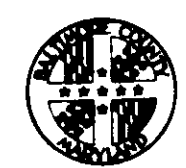
Date 10/24/91  
By [Signature]

ORDER RECEIVED FOR FILING

Date 10/24/91  
By [Signature]

- 2 -

- 3 -



## Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C to allow a single family building lot in D.R. 5.5 zone with a net lot area of 5,223 sq. ft. in lieu of the required 6,000 sq. ft. and to allow a lot width of 50.1 ft. in lieu of the required 55 ft.

and to allow a lot width of 50.1 ft. in lieu of the required 55 ft.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

The plat was laid out many years ago with 50-foot building lots, before the present standards were adopted. There are existing dwellings on either side and the lot cannot be altered to meet present building standards.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property, which is the subject of this Petition.

Legal Owner(s):

Nelda Merrier Dowdy

(Type or Print Name)

X Nelda Merrier Dowdy

(Signature)

Nelda Merrier Dowdy

(Type or Print Name)

(Signature)

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Anthony J. DiPaula, Covachy & Boozer, P.A.

(Type or Print Name)

Signature

614 Bosley Avenue

Address

Towson, MD 21204

City and State

Attorney's Telephone No.: 828-9441

5014 Ready Avenue

Address

Baltimore, MD 21212

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Anthony J. DiPaula

Name

614 Bosley Ave., Towson, MD 21204

Address

Phone No. 828-9441

ORDER RECEIVED FOR FILING

Date 10/24/91

By [Signature]

ESTIMATED LENGTH OF HEARING (1/2HR) +1HR.

AVAILABLE FOR HEARING

ALL MON./TUES./WED. - NEXT TWO MONTHS

REVIEWED BY: [Signature] DATE: 7/24/91

#### ZONING DESCRIPTION

BEGINNING at a point on the south side of Orth Road which is 40 feet wide at the distance of 470.6 feet east of the center line of the nearest improved intersecting street being Sparrows Point Road which is a 50 foot right-of-way. Being also known and designated as Lot No. 26 as shown on the Plat of Solomon Crooms, which Plat is recorded among the Land Records of Baltimore County in Plat Book JWB No. 14, Folio 38, containing 5,223 square feet or 0.12 acres of land, more or less. Also known as 7219 Orth Road and located in the 15th Election District.

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th Date of Posting: 10/24/91  
Posted for: Nelda Merrier Dowdy  
Petitioner: Nelda Merrier Dowdy  
Location of property: Orth Road, 470' E of Sparrows Point Road  
Location of Sign: Orth Road, 470' E of Sparrows Point Road  
Remarks:   
Posted by: [Signature] Date of return: 10/24/91  
Number of Signs: 1

Dundalk Eagle

4 N. Center Place 288-6060

P. O. BOX 8936

Dundalk, Maryland 21222

Dundalk, Md. August 29, 1991

Baltimore County Zoning Office  
ATTN: Gwen Stephens  
Room 113, County Office Bldg.  
111 West Chesapeake Ave.  
Towson, Md. 21204

#### ADVERTISING

P.O. #0114450  
Req. #M54977

Issue of:  
August 29, 1991 - 62 lines - \$31.00

RECEIVED

ZONING OFFICE

#### Notice of Hearing

Case #92-47-A

Return this to [Signature]

P.I.N. #52-0891515

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug 30, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 29, 1991.

THE JEFFERSONIAN,

S. Zabe Orlean  
Publisher

299-435.18

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein at Room 113 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-47-A  
S/S Orth Road, 470' E of Sparrows Point Road  
7219 Orth Road  
15th Election District  
Baltimore County  
Petitioner: Nelda Merrier Dowdy  
Hearing Date: Wednesday, October 2, 1991  
at 2:30 p.m.

Variance to allow a single family building lot with a net area of 5,223 sq. ft. in lieu of the required 6,000 sq. ft. and to allow a lot width of 50.1 ft. in lieu of 55 ft.

Zoning Commissioner of Baltimore County  
8/29/91 August 29





BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 20, 1991  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for August 6, 1991

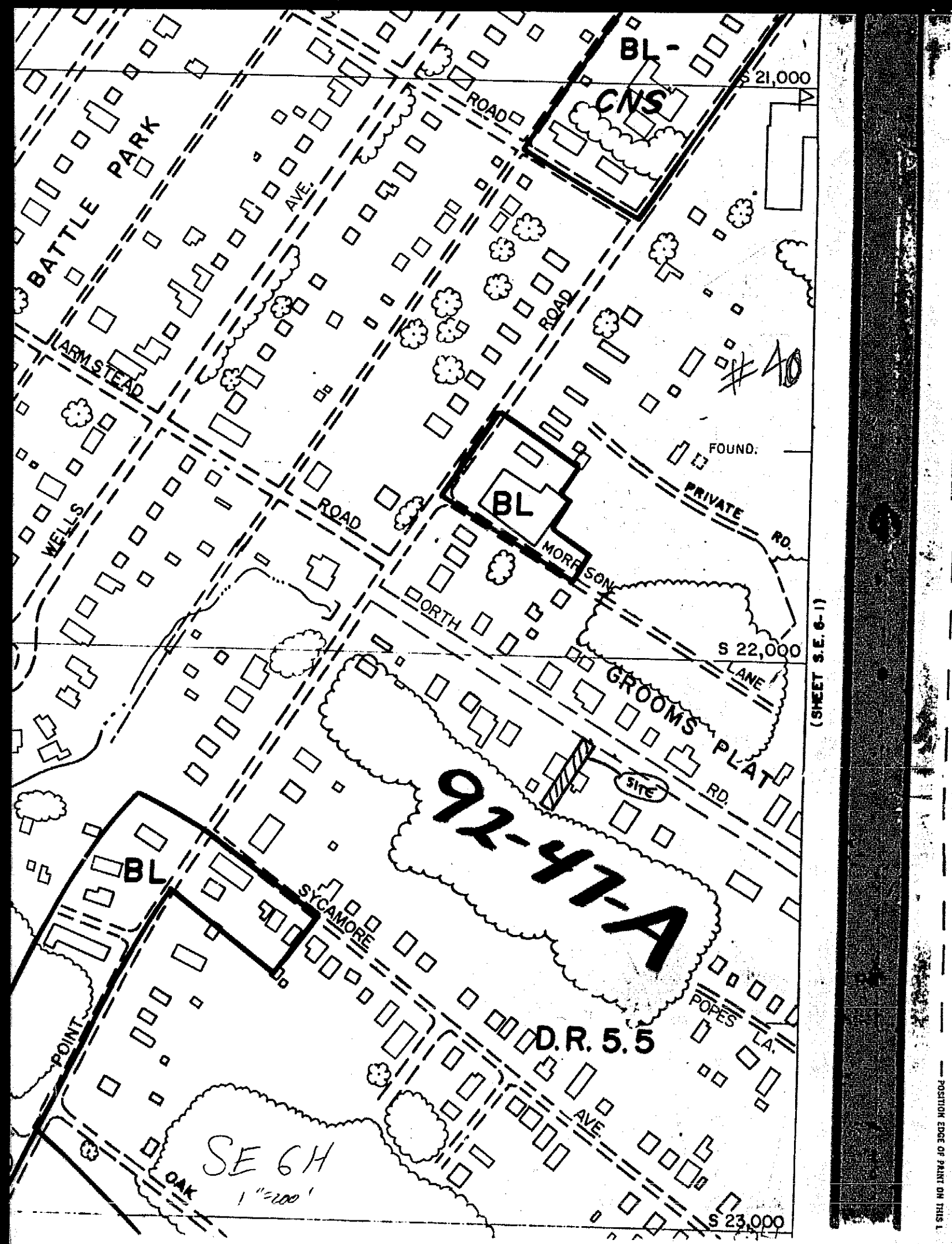
The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 25, 28, 32, 33, 34, 36, 39, 40, 42, 43 and 44.

For Item 483 (Case No. 91-494-A), the previous minor subdivision comments are applicable.

For Items 35 and 37, revised County Review Group Plans are required.

Robert W. Bowling / DAK  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s



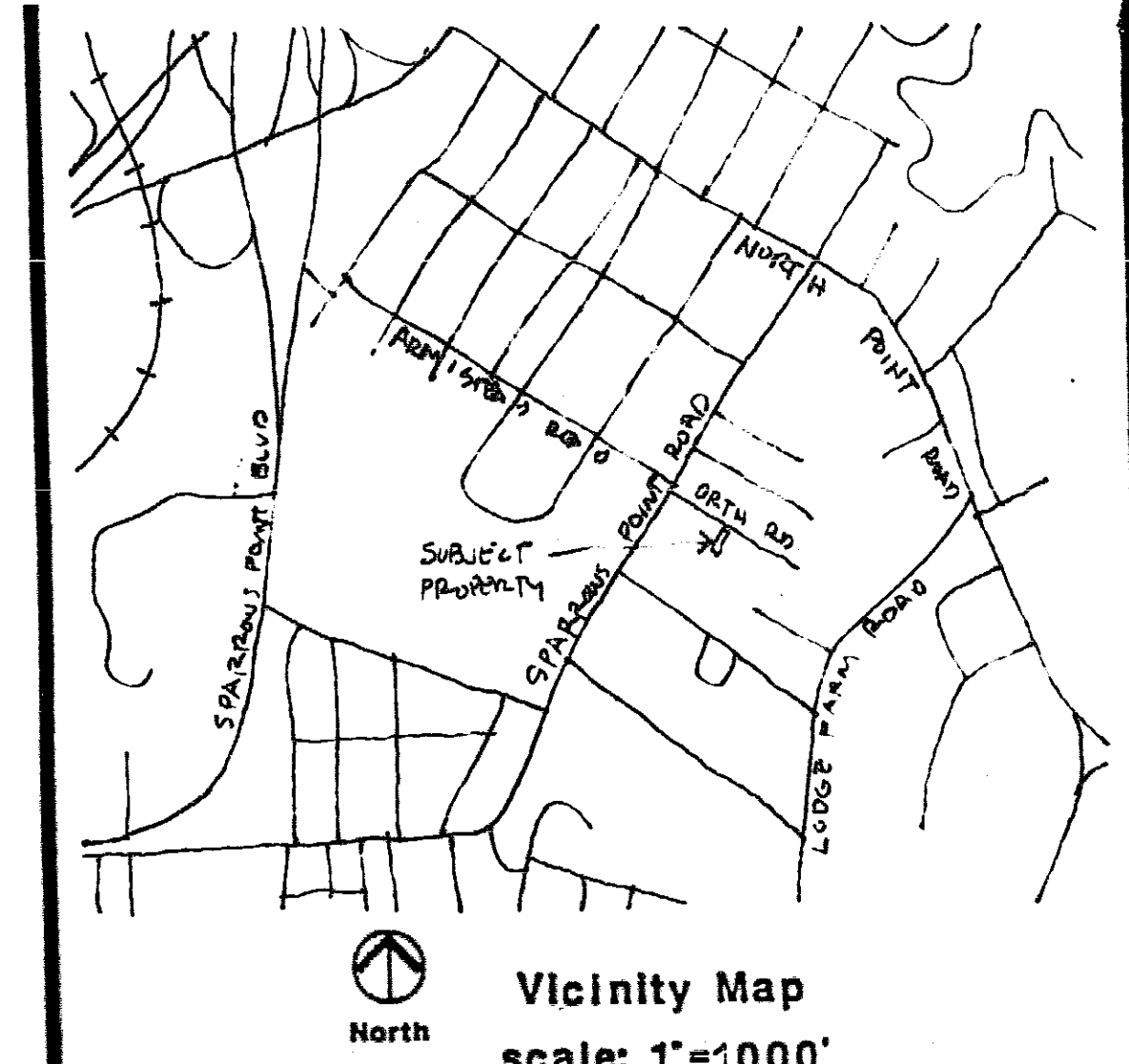
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 7214 ORTH ROAD

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: CROOKS  
plat book# 14, folio# 280, lot# 20, section# 0

OWNER: MELBA MERRIER DOWDY



LOCATION INFORMATION

Councilmanic District: 5

Election District: 15

1"=200' scale map#: SE 6+H

Zoning: DR-5.5

Lot size: 0.12 acreage 3,223 square feet

92-47-A

SEWER: ☒ public ☐ private

WATER: ☒ public ☐ private

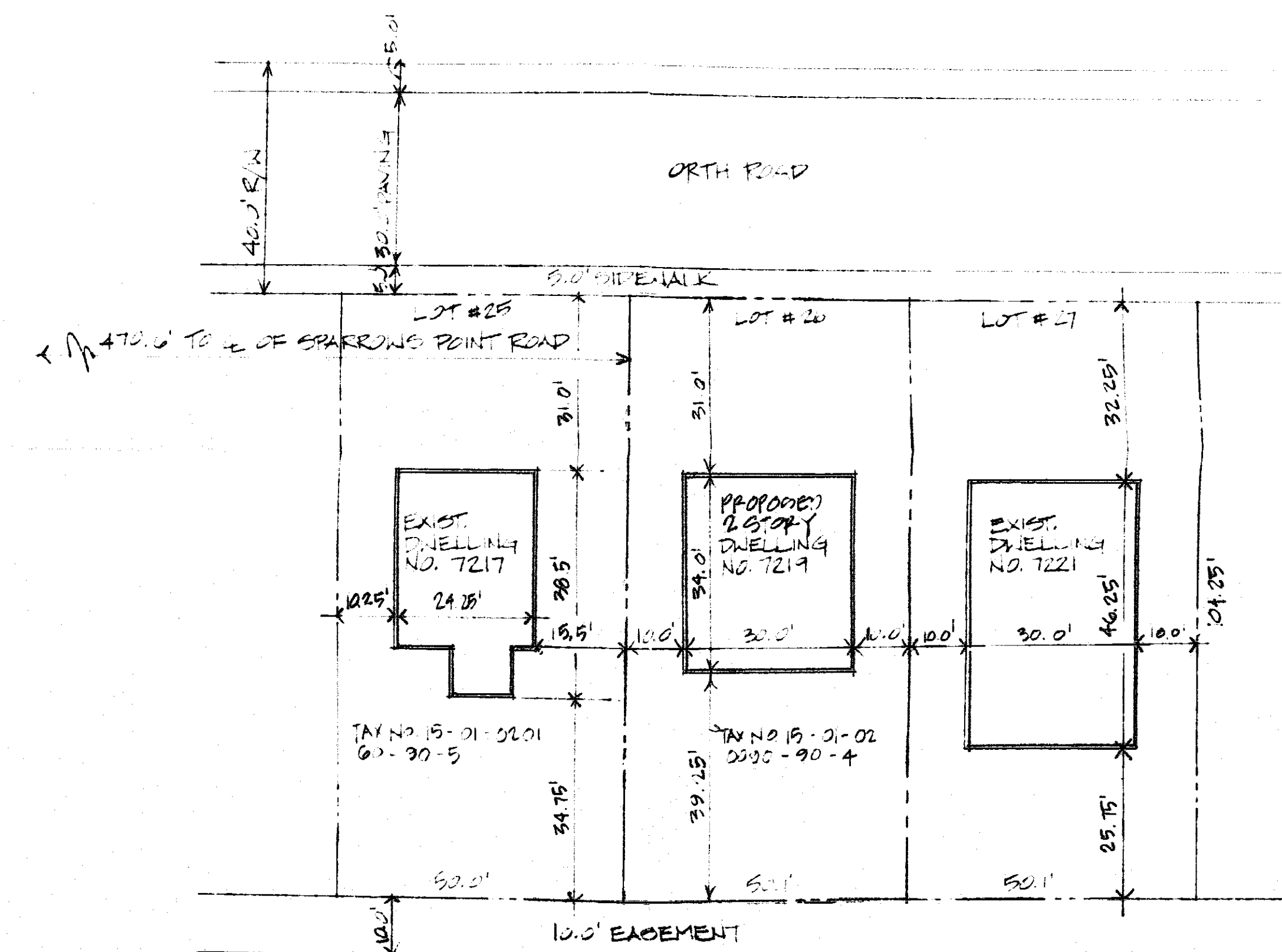
Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

8/28/91 X0



North

date: 11 JUNE 1991

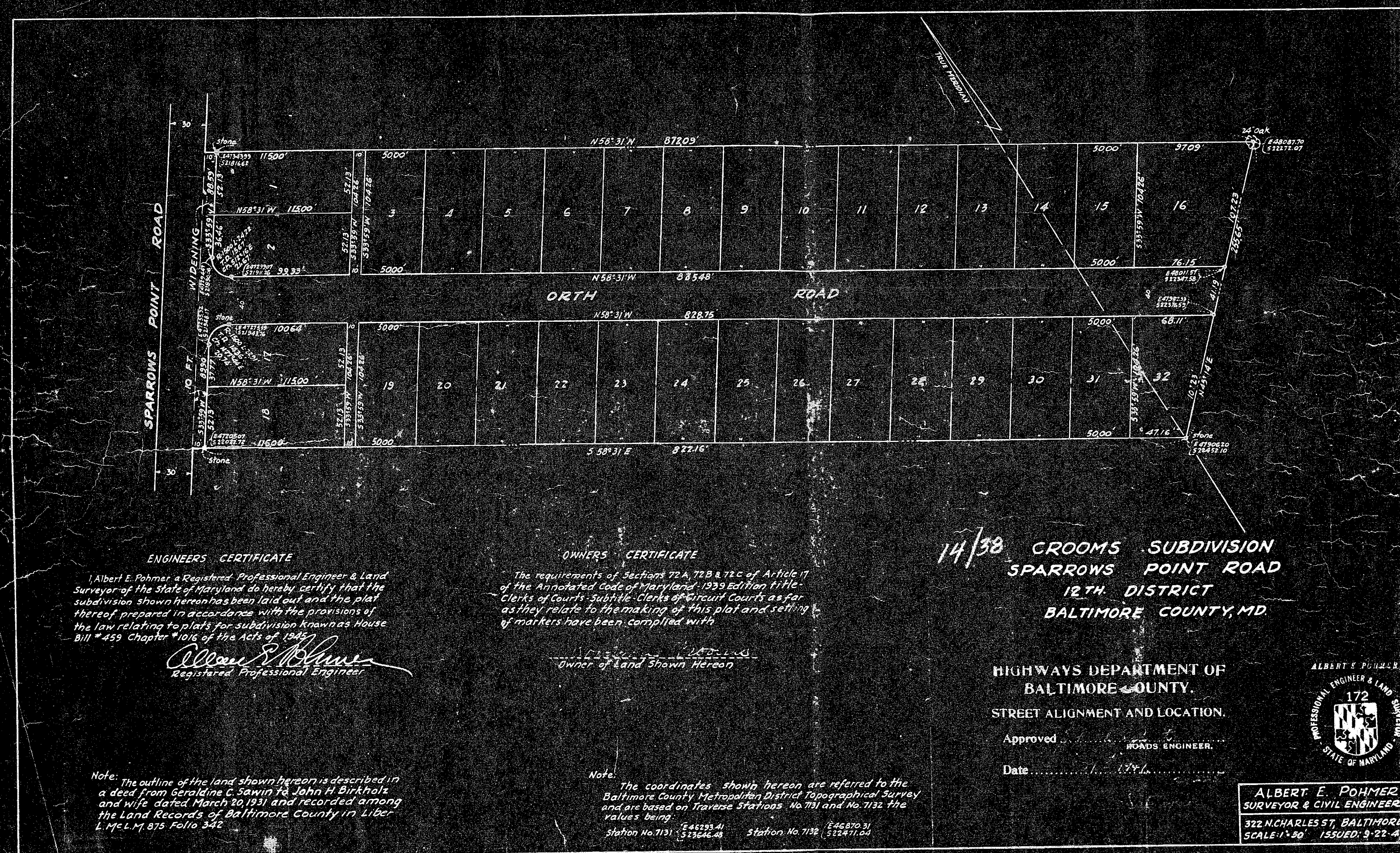
prepared by: WARREN ANDERSON, AIA

PETITIONER'S  
EXHIBIT 1

Scale of Drawing: 1"= 20'



**PETITIONER'S  
EXHIBIT 2**



*24 B No. 14 Dec 38*